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MEMORANDUM ENDORSEMENT

Harris v. The August Aichhorn Center for Adolescent Residential Care, Inc. et al

7:21-cv-05926-NSR

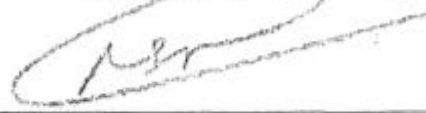
MEMO ENDORSED

The Court has reviewed Plaintiff's letter dated September 14, 2021. Per the Court's individual rules, "[a] pre-motion conference with the Court is required before making any [non-discovery] motion," and "the moving party shall submit a letter, not to exceed three pages, setting forth the basis for the anticipated motion." On September 7, 2021, Defendants filed a motion to dismiss without requesting a pre-motion conference. In response to this motion, on September 14, 2021 Plaintiff filed an amended complaint pursuant to Rule 15(a)(1)(B). Therefore, the motion will be stricken from the record. If Defendants would still like to file a motion to dismiss, they must first file a letter per this Court's rules, and the Court will then set a briefing schedule. Defendants shall have until September 29, 2021 to either file an answer or request leave to file their motion.

The Clerk of the Court is kindly directed to terminate the motion at ECF No. 9.

Dated: September 14, 2021
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

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September 14, 2021

VIA ECF

Hon. Nelson S. Roman
United States District Judge
The Hon. Charles L. Bricant Jr. Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: Harris v. The August Aichhorn Center for Adolescent Residential Care, Inc. et al.
7:21-cv-05926 (NSR)

Dear Judge Roman,

This firm represents Plaintiff Rachelle Harris¹ (“Plaintiff”) in the above referenced matter and we write to inform the Court that this morning Plaintiff filed an Amended Complaint, as a right pursuant to FRCP Rule 15(1)(B), in this proceeding. In light of her filing of the Amended Complaint, we believe that Plaintiff no longer needs to respond to Defendant’s September 7th Motion to Dismiss. If we are mistaken and the Court still wishes for us to respond to/oppose the Motion to Dismiss, we respectfully ask for thirty (30) days to file our opposition brief.²

We thank the Court for its attention to this matter.

Sincerely,
/s/ DAVID HARRISON
David Harrison

cc: All Counsel Of Record (via ECF)

¹ In the original Complaint, Plaintiff’s first name was inadvertently misspelled as “Rochelle” instead of the correct spelling of “Rachelle”. This error has been corrected in the Amended Complaint.

² Inasmuch as Defendant failed to request a pre-motion conference, there was never any briefing schedule set for this motion.